

Applicants: Soderlund, H. *et al.*
Serial No.: 08/465,322
Filed June 5, 1995
Page 7 (Reply to Final Office Action 37 CFR §1.129(a) Submission)

The Examiner has rejected claims 51-68 under 35 U.S.C. §112, second paragraph, contending that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Applicants have amended the claims to include the term kit. Support for reagent kits is found in the specification, for example, at page 20, lines 17-27. No new matter has been added. Applicants reserve the right to prosecute claims directed to compositions at a later date.

The Examiner has rejected claim 69, under 35 U.S.C. §112, second paragraph, contending that the claim is indefinite and confusing. Applicants have amended the claim to more clearly describe the invention. It is respectfully submitted that the amended claim 69 is not indefinite and that this rejection has been obviated.

The Examiner has rejected claim 69, under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,310,893 to Erlich et al. (hereinafter "Erlich").

Applicants' traverse this rejection. Erlich does not teach a primer extension product comprising a labeled nucleotide complementary to a specific nucleotide at a predetermined position.

The Examiner has rejected claims 51-53 and 63-68 under 35 U.S.C. §103 as being unpatentable over Erlich in view of U.S. Patent No. 4,683,202 to Mullis (hereinafter "Mullis").

Applicants' traverse this rejection. Erlich does not teach or suggest all the claim limitations of the invention. For example, as the Examiner admits, Erlich does not teach methods using labeled dNTPs. Mullis does not teach detection primers as are used in the invention.

Applicants: Soderlund, H. *et al.*
Serial No.: 08/465,322
Filed June 5, 1995
Page 8 (Reply to Final Office Action 37 CFR §1.129(a) Submission)

Moreover, there would be no suggestion to combine Mullis, which discloses methods for the amplification of nucleic acid sequences, with Erlich, since these references are from different fields. Thus, applicants respectfully submit that this rejection should be withdrawn.

Wherefore, it is respectfully requested that the rejections be reconsidered and withdrawn, and the claims be allowed and passed to issuance.

If it would be helpful in furthering the prosecution of this application, the Examiner is respectfully requested to telephone Applicants' undersigned attorney at the number provided below.

A fee of \$760.00 is deemed due for filing a Submission Under 37 CFR § 1.129(a) after final rejection. A check for \$760.00 is enclosed herewith. No other fee is believed necessary in connection with the filing of this Submission. However, if any additional fee(s) is due in connection with the filing of this Submission, authorization is hereby given to charge the amount of such additional fee(s) to Deposit Account No. 11-0171, and to credit any overpayment thereto.

Respectfully submitted,



Franklin S. Abrams
Registration No. 43,457
Attorney for Applicants
Telephone: (212) 813-1600